

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

COPY

U. S. DISTRICT COURT  
N. D. OF N. Y.  
FILED  
FEB 11 2004

CONTEC CORPORATION,

Plaintiff,

vs

REMOTE SOLUTION CO., LTD.,

Defendant.

AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_  
LAWRENCE N. BAERMAN, CLERK  
UTICA

1:03-CV-910

APPEARANCES:

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DAVID N. HURD  
United States District Judge

OF COUNSEL:

KENNETH L. STEIN, ESQ.  
RICHARD H. AN, ESQ.

SCOTT A. BARBOUR, ESQ.

JUSTIN A. HELLER, ESQ.

**ORDER**

Plaintiff has requested reconsideration of the vacatur of the award of attorney's fees, costs, and disbursements for failure to make a timely application. At oral argument on January 23, 2004, by order of the court, the plaintiff was given until January 30, 2004, to make an application for reasonable attorney's fees, etc. On February 6, 2004, plaintiff filed

an application seeking attorney's fees, etc. in excess of \$30,000, an amount that is grossly excessive.

The three attorneys for plaintiff present at oral argument (charging as a group over \$1000 per hour) were apparently unable to perform the simple task of accurately determining the correct filing date. There was a conflict between the order of the court and the subsequent Clerk's minutes and docket entry. Obviously, the order of the court takes precedent. The official minutes of January 23, 2004, reflect the filing date of January 30, 2004. The same experienced attorneys, in the week following oral argument, apparently were also unable to accurately resolve the conflict. Rather they "assumed either that the court had changed its mind on the deadlines, or that we had misheard the Court's instructions at the hearing." Stein letter - February 10, 2004. Their assumptions were wrong. Their excuses are rejected.

Request for reconsideration is DENIED.

IT IS SO ORDERED.

Dated: February 11, 2004  
Utica, New York.

  
United States District Judge